IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Tr.P(C).No. 248 of 2006()

OP.1060/2006 of FAMILY COURT, PALAKKAD

.....

: PETITIONER

S.BHAGYALAKSHMI, AGED 28 YEARS,
D/O. SUKUMARAN NAIR, RESIDING AT PULIKKAYATH HOUSE, CHELAMATTAM VILLAGE, OKKAL POST, ERNAKULAM DISTRICT.

BY ADV. SRI.SREEPRAKASH K.NAIR

RESPONDENTS:

MURALIDHARAN, AGED 33 YEARS,
S/O. BHASKARAN NAIR, THOPPIL MENAKATH HOUSE, VALLAPUZHA POST, CHERODE, SHORNUR.

BY ADV. SRI.M.HARISHARMA

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.Sasidharan Nambiar,J.

Tr.P(C).No.248 of 2006

Dated this the 29th day of November,2006

O.R.D.E.R

Petitioner is the wife. Respondent is the husband. Petitioner filed M.C.88/06 claiming maintenance from respondent before Family Court, Ernakulam. Respondent filed O.P.1060/06 before Family Court, Palghat claiming restitution of conjugal right. This petition is filed to transfer the latter case to Family Court, Ernakulam contending that petitioner is a resident of Ernakulam and it is not possible for her to travel to Palghat and contest the case. Petition is opposed by the respondent.

2. On hearing learned counsel appearing for petitioner and respondent, it is clear that petitioner wife is residing within the jurisdiction of Family Court, Ernakulam. When the difficulties expressed by the parties are to be weighed, the difficulty of the wife will outweigh that of the

respondent. Hence O.P.1060/06 on the file of Family Court, Palghat is withdrawn and transferred to Family Court, Ernakulam to be tried along with M.C.88/06.

Petition is allowed.

M.Sasidharan Nambiar
Judge

tpl/-

M.SASIDHARAN NAMBIAR, J.

CRL.R.P.NO. /97

ORDER

MARCH,2006